

DECLARATION

Improvement Res. No. 1016-1959

For the Vacation of a portion of Fairfield Avenue, as originally platted, from the south property line of Superior Street to the north property line of the first alley south of Superior Street.

Resolution Adopted: NOT ADOPTED

Confirmed: ALL ACTION RESCINDED

Bids Received: DEC 1 1959

Contract Awarded:

Contract and Bond:

Contractor:

Report Completed:

Assessment Roll Confirmed:

1016

For the Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ of a portion of Fairfield Avenue, as originally platted, from the south property line of Superior Street to the north property line of the first alley south of Superior Street.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to ~~vacate a portion of Fairfield Avenue, as in the plat of Ewing's Addition, in Plat Book 2, Page 40, in the office of the Recorder of Allen County, and more~~ particularly described as follows:

(See Attached Sheet)

ALL ACTION RESCINDED
DEC 1 - 1959

All as shown by a plan of such proposed Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana

The cost of said Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such Vacation ~~Opening~~ ~~Condemnation of right of way for utility purposes~~ is described as follows: Lot 1, Block 6, Ewing's Addition.
Said addition inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5) % per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

The vacation of the above described street shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other public utilities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

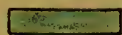
All Streets, lots and lands affected by the above described vacation are situated in the southwest quarter of Section Two, Township 30 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS _____ DAY OF _____ 19____.

Attest:

Secretary Board of Public Works.

Board of Public Works.



TO BE VACATED

Description for the Vacation of a Portion of
Fairfield Avenue

Commencing at the northeast corner of Lot 1 in Block 6, of said addition, thence running northeastward along the southerly line of Superior Street, a distance of 39 feet; thence southeastward by a deflection right of 56 degrees 30 minutes, a distance of 35.75 feet, more or less, to the west edge of the sidewalk as constructed by the State Highway Department of Indiana, in and along the said Fairfield Avenue, at a point situated 29.25 feet normally distant southward of the south line of said Superior Street; thence southward along the west edge of said sidewalk, a distance of 121.0 feet, more or less, to the north line produced eastward, of the alley situated next south of and adjoining the said Lot (1); thence westward along the line aforesaid, 43.3 feet to the southeast corner of said lot; thence north-westward along the east line of said lot, as situated coincidental with the west line of said Fairfield Avenue, a distance of 150 feet to the place of beginning.



61-70-6

Date Nov 11, 1953

TO: THE ENGINEER

SUBJECT: Vacation - Fairfield Avenue

Received a petition for the vacation of part of Fairfield Avenue, as per copy of petition and 2 drawings attached.

Prepare an opinion, after conferring with all governmental agencies and utilities.

John Cooper
Berkeley Ward
Orin M. Darling
BOARD OF PUBLIC WORKS
cc
attach

Nov 11, 1953

ag/11-25

This Resolution # 1010 was
received but returned to C.E. without
being adopted per request of Don Anderson
11-24-53

Signed

By:

November 24, 1953

Following resolution was adopted by the Board of Public Works, Fort Wayne, Indiana, on November 24, 1953.

Edward J. Lee
Board of Public Works
Fort Wayne, Indiana

cc
61-70-6

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

41-96-6

Date Nov. 4, 1959

To City Engineer

Subject Vacation - Fairfield Avenue.

Received a petition for the vacation of part of Fairfield Avenue, as per copy of petition and 2 drawings attached.

Prepare an opinion, after conferring with all Governmental agencies and utilities.

John Cooper
Berkeley Ward
Orin M. Darling
BOARD OF PUBLIC WORKS
ic
attach

NOV 24 1959
NOTED
11-25

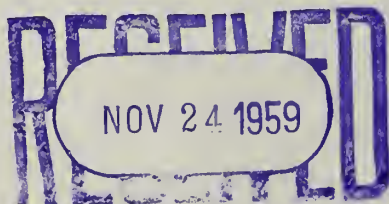
Signed _____

Reply:

November 23, 1959

Resolution, drawing and property ownership list completed and attached.

Also attached are copies of letters received from the Traffic Engineer and the City plan Commission requesting that this vacation be denied and we concur in their opinions.



DEB/is
attachs.

A handwritten signature in dark ink, appearing to read "Edward Green".
Edward Green
City and Administrative Engineer

Signed _____

City of Fort Wayne



OFFICE OF
CITY PLAN COMMISSION

FORT WAYNE 2, INDIANA

November 25, 1959

Mr. Donald E. Bodeker
Office Engineer
City Engineers Office

Re: Proposed vacation of Fairfield Avenue between Superior
and first alley south of Superior

We have reviewed the proposed vacation as described above and we respectfully request that this petition for vacation be denied for the following reasons:

1. The section of Fairfield Avenue proposed to be vacated lies directly opposite a platted portion of Fairfield Avenue north of Superior Street which, when, the new location of Fairfield and Ewing is extended north of Superior it could be utilized for that extension.

2. It is possible, that the section of Fairfield to be vacated could some day be used for widening of Fairfield in order to take care of turning movements of eastbound traffic on Superior to southbound traffic on Fairfield.

3. If this portion of Fairfield is vacated, it is feasible that a building would be erected on this lot which, being in an "M2" District with no building set-back, could obstruct vision of traffic on Fairfield, Ewing, and Superior.

4. It is also possible that at some future date, it would become necessary to widen Fairfield, consequently this property could be utilized for that purpose.

5. The area proposed to be vacated is a valuable piece of property to the City of Fort Wayne in that it is large enough in itself to constitute a lot in the event it was never used for street purposes.

With the above reasons in mind, it is our recommendation that the above described petition be denied in its entirety.

Respectfully submitted,

CITY PLAN COMMISSION

William J. Jones
William J. Jones
Planning Director

WJJ:mo

City of Fort Wayne, Indiana

ENGINEERING OFFICES

425 SOUTH CALHOUN STREET

OFFICE OF CITY TRAFFIC ENGINEER



JAMES T. WHITE
TRAFFIC ENGINEER

RECEIVED
CITY OF FORT WAYNE
NOV 27 1959

November 27, 1959

Board of Public Works,
John Cooper, Chairman,
City Hall,
Fort Wayne, Indiana.

Gentlemen:

This communication is directed to your Honorable Body in behalf of certain opinions concerning the vacation of a portion of Fairfield Ave. from Superior St. to the alley south thereof.

Please be advised that it is the opinion of this department that major streets or portions thereof should not be vacated unless they have been found to be of no useful requirement that would more efficiently serve the movement of motor vehicles, persons and materials.

In light of the possibility that the combination of Fairfield Ave. and Ewing St. will be extended northward across the St. Marys River at some future date, it appears that we should retain all the public property possible at this point for any requirements that may be forthcoming as this project becomes a reality.

At the present time it would be desirable to retain the area of Fairfield Ave., mentioned above for the purpose of improving the intersection of Fairfield Ave. and Superior St. by construction of a right-turn lane for traffic moving from west to south at this location.

I trust that the Board of Public Works will concur in the above statements and retain the right-of-way Fairf Ave., as it may be required to better serve the city of Fort Wayne.

Respectfully submitted,

James T. White

James T. White,
Traffic Engineer.

JTW/bz

October 13, 1959

To:
Barrett, Barrett & McNaghy
Attention: Mr. O'Hara
344 Utility Bldg.
Fort Wayne, Indiana

Following are legal descriptions relating to proposed vacating of part of Fairfield Avenue adjoining Lot 1 Block 6, Ewing's Addition, Fort Wayne.

PARCEL 1

Part of Fairfield Avenue as in the plat of Ewing's Addition, in Flat Book 2, page 40, in the office of Recorder of Allen County, Indiana recorded, and in particular described as follows, to wit:

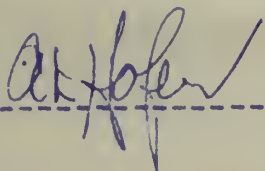
Commencing at the northeast corner of Lot 1 in Block 6, or said addition; thence running northeastward along the southerly line of Superior Street, a distance of 39 feet; thence southeastward by a deflection right of 56 degrees 30 minutes, a distance of 27.5 feet, more or less, to a point situated 54 feet normally distant southeastward of the west line of said Fairfield Avenue, and 22.8 feet normally distant southwestward of the southerly line of Superior Street, and 10½ feet normally distant northwestward of the west curb face, of the pavement as constructed by the State Highway Department of Indiana presently situated in and along said Fairfield Avenue; thence southerly and parallel to the street pavement curb aforesaid, a distance of 128 feet, more or less, to the north line produced northeastward of the alley as along the rear of said Lot 1 in Block 6 or Ewing's Addition recorded; thence northwestward along the said alley line 37.8 feet to the southeast corner of said Lot 1; thence northeastward along the said lot east line, as situated coincidental with the west line of said Fairfield Avenue, a distance of 150 feet to the place of beginning; containing 6910 Square Feet of land.

PARCEL 2

Part of Fairfield Avenue as in the plat of Ewing's Addition, in Flat Book 2, page 40, in the office of Recorder of Allen County, Indiana recorded, and in particular described as follows, to wit:

Commencing at the northeast corner of Lot 1 in Block 6, or said addition; thence running northeastward along the southerly line of Superior Street, a distance of 39 feet; thence southeastward by a deflection right of 56 degrees 30 minutes, a distance of 35.75 feet, more or less, to the west edge of the sidewalk as constructed by the State Highway Department of Indiana, in and along the said Fairfield Avenue, at a point situated 29.25 feet normally distant southward of the south line of said Superior Street; thence southward along the west edge of said sidewalk, a distance of 121.0 feet, more or less, to the north line produced eastward, of the alley situated next south of and adjoining the said Lot (1); thence westward along the line aforesaid, 43.3 feet to the southeast corner of said lot; thence northwestward along the ^{east line of said lot} ~~said lot east line~~, as situated coincidental with the west line of said Fairfield Avenue, a distance of 150 feet to the place of beginning; ~~containing 7532.5 Square Feet of land.~~

CERTIFIED as of
October 13, 1959



OFFICE OF **A. K. HOFER** AND **CARL A. HOFER**
CIVIL ENGINEERS - FORT WAYNE, INDIANA

SHEET No. (2)

Registered in Indiana
No. 72
No. 7122

This document is the record of a resurvey of land and real estate situated in the City of Fort Wayne, Allen County, Indiana, made in accordance with the plat and deed record thereof on file in the Office of Recorder of said County and State. The land below described exists in full dimension as herein noted in feet, and is free from encroachments by adjoining landowners, and furthermore, contains entirely within its boundaries the structures of the buildings on it situated; all as below indicated in detail. Any exceptions or discrepancies are below noted.

DESCRIPTION OF PROPERTY Lot No. **Lot (1) , Block (6) EWING'S ADDITION**
Showing Fairfield Avenue as widened and paved by the Highway Department of Indiana.

DETAILS shown on Sheet No. (3) , attached.



IN WITNESS WHEREOF, I place my hand and

is 13 day of October, 1959

A. K. Hofer

Petition for Passage

of a Resolution for

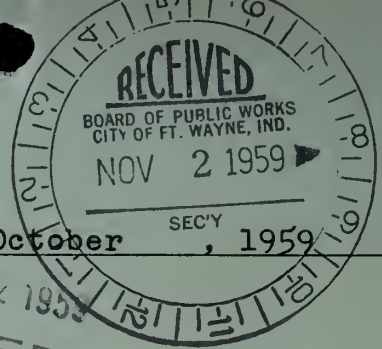
from _____

to _____

Filed with the Board of Public Works

P E T I T I O N

Fort Wayne, Ind., October, 1959



To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

371

The undersigned, owners of real

estate on West Superior Street and on Fairfield Avenue, from

to _____
respectfully petition for the passage of a resolution providing for the vacation of the following described real estate:

Part of Fairfield Avenue as in the plat of Ewing's Addition, in Plat Book 2, page 40, in the office of Recorder of Allen County, Indiana recorded, and in particular described as follows, to wit:

Commencing at the northeast corner of Lot 1 in Block 6, of said addition; thence running northeastward along the southerly line of Superior Street, a distance of 39 feet; thence southeastward by a deflection right of 56 degrees 30 minutes, a distance of 35.75 feet, more or less, to the west edge of the sidewalk as constructed by the State Highway Department of Indiana, in and along the said Fairfield Avenue, at a point situated 29.25 feet normally distant southward of the south line of said Superior Street; thence southward along the west edge of said sidewalk, a distance of 121.0 feet, more or less, to the north line produced eastward, of the alley situated next south of and adjoining the said Lot (1); thence westward along the line aforesaid, 43.3 feet to the southeast corner of said lot; thence northwestward along the said lot east line, as situated coincidental with the west line of said Fairfield Avenue, a distance of 150 feet to the place of beginning; containing 7532.5 Square Feet of land.

The undersigned petitioners attach hereto as "Exhibit A" and by reference incorporate it herein, a survey prepared by A. K. Hofer, dated October 10, 1959, which outlines in yellow the real estate which the undersigned requests be vacated.

G & B Realty, Inc., (owner of Lot 1
and the north 65 feet of Lot 2, Block
No. 6, Ewing's Addition to the City
of Fort Wayne, Indiana)

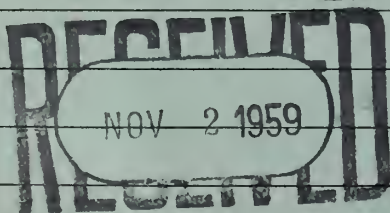
by

R. P. Bowlin

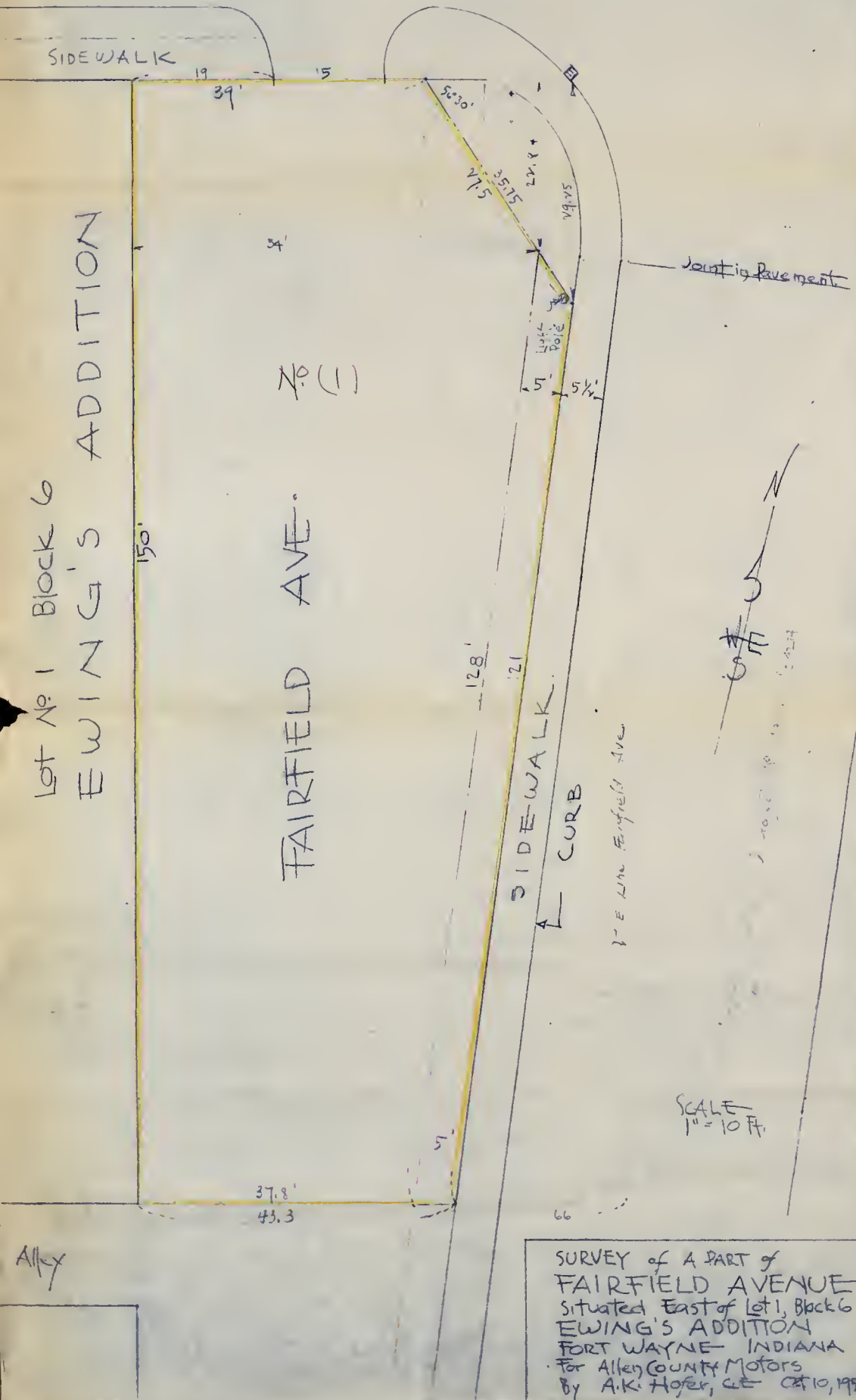
Its President

Sherrill - Gustin, Co.
Geo. H. Gustin

Fred V. Keger



—E—
SUPERIOR



Improvement Resolution No. 1016-1959 For THE VACATION OF A PORTION OF FAIRFIELD AVENUE,
AS ORIGINALLY PLATTED, FROM THE SOUTH PROPERTY LINE OF SUPERIOR STREET TO THE
NORTH PROPERTY LINE OF THE FIRST ALLEY SOUTH OF SUPERIOR STREET.

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	INDIANA & MICHIGAN ELECTRIC CO.	2101 1/2 Ry. Return Ave.		6	6		EWING'S ADDITION
2	" "	"		5	6		"
3	" "	"		4	6		"
4	" "	"		W. 3 1/2	6		"
5	KELLER, FREDERICK E. & MARY	515 W. Superior St. N. E. 52 1/2		3	6		"
6	SHERIFF - GOSLIN CO.	509 W. Superior St.		5.85	2		"
7	G. & E. PEALTY, INC.	% Richard R. Boush 500 W. Main St.		N. 65 of 2	6		"
8	" "	"		N. 90 of 1	6		"
9	" "	"		5.60 of 1	6		"
10	NEW YORK, CHICAGO AND ST. LOUIS RAILROAD	Trk (1st & 2nd)		7	6		"
11	" "	First & Wayne, 1st & 2nd		8	6		"
12	" "	"		9	6		"
13	" "	"		10	6		"
14	" "	"		11	6		"
15	" "	"		12	6		"
16	STATE HIGHWAY DEPT. OF INDIANA	% 1517 State St.					
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